

EXHIBIT NO.

1

14
6-12-04

Docket Item #17

ENCROACHMENT #2004-0005

Planning Commission Meeting

June 1, 2004

ISSUE: Consideration of a request for encroachment into the public right-of-way for a hotel canopy.

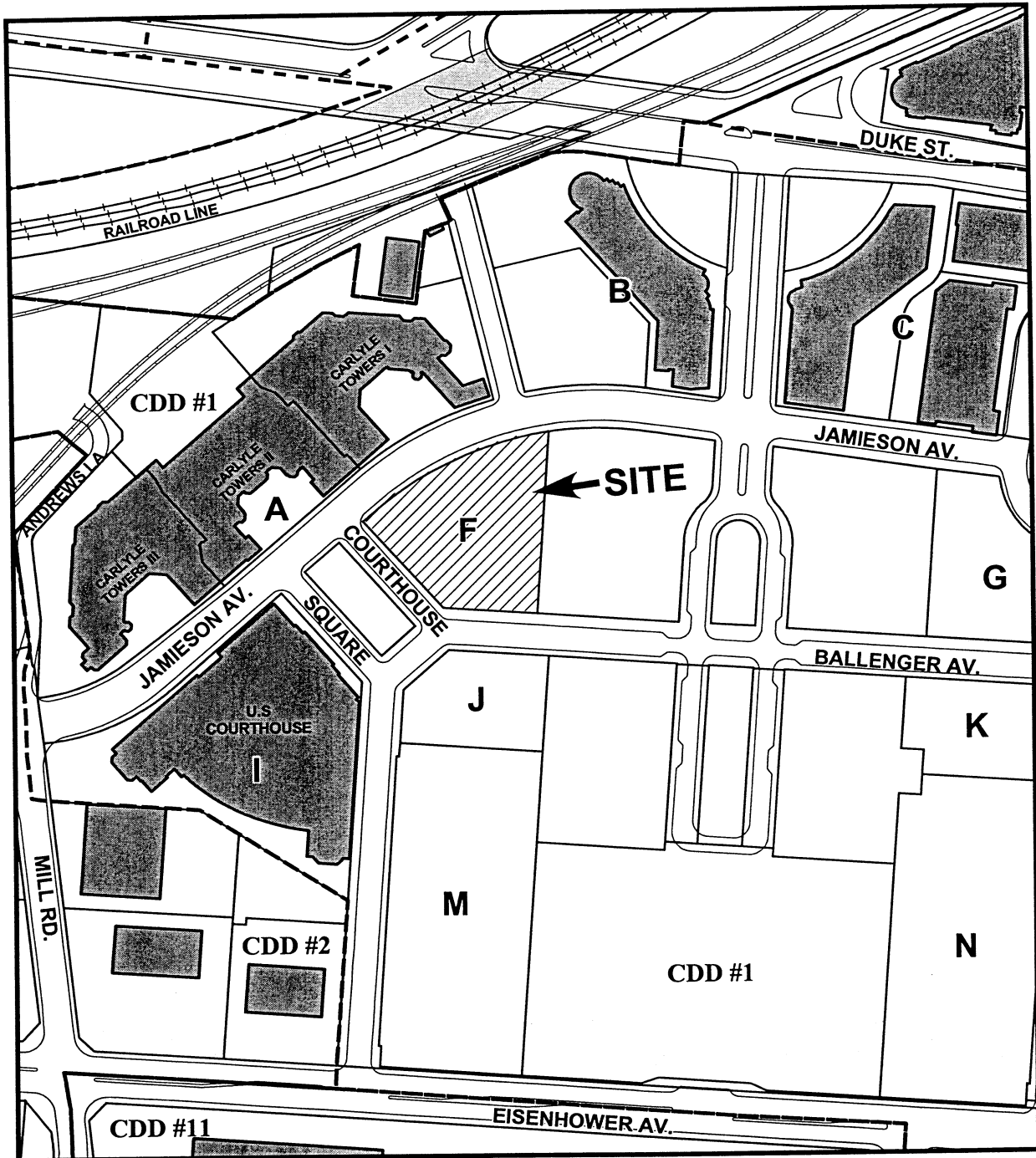
APPLICANT: Regent Partners, LLC
by Jonathan P. Rak, Attorney

LOCATION: 400 Courthouse Square

ZONE: CDD-1/Coordinated Development District

PLANNING COMMISSION ACTION, JUNE 1, 2004: By unanimous consent, the Planning Commission recommended approval of the request, subject to compliance with all applicable codes, ordinances and staff recommendations.

Reason: The Planning Commission agreed with the staff analysis.



ENC #2004-0005

06/01/04



1. a

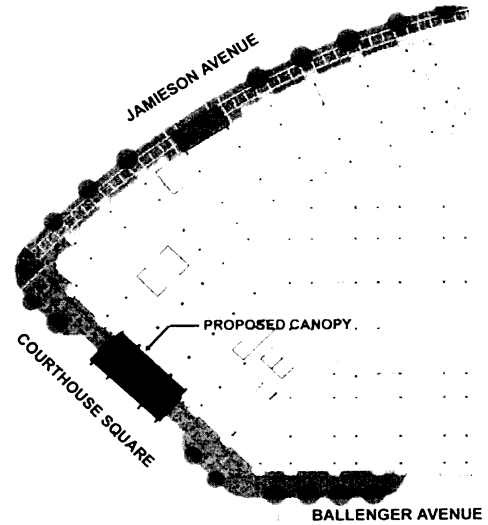
I. PROPOSAL:

The applicant requests approval of the encroachment of an entrance canopy into the public right-of-way for the proposed building in Block F of Carlyle. The site was approved in 2003 to construct a 15-story mixed-use building which will include a hotel, condominiums, and ground floor retail. The adjacent lot is presently being developed with PTO Building D, and the U.S. Federal Courthouse sits across Courthouse Square to the southwest. The requested encroachment will be located on the southwest portion of the building, on Courthouse Square.

The entrance canopy is proposed to extend 27 feet from the face of the building. The canopy will extend across the full width of the sidewalk, as well as 8 feet of the lay-by. This represents a total encroachment of 11 feet into the public right-of-way.

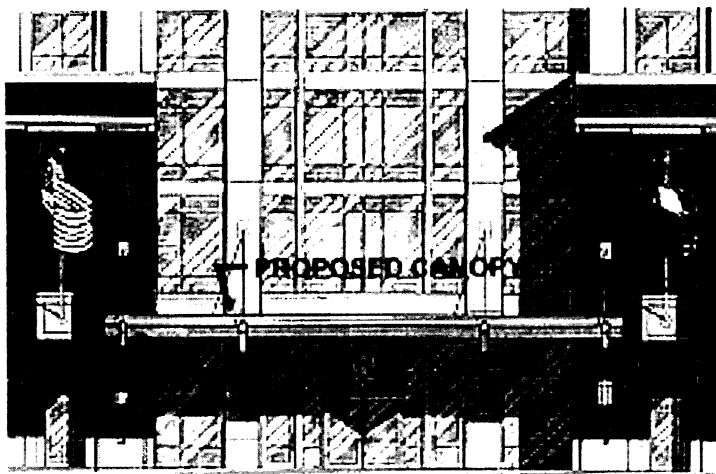
The purpose of the proposed canopy is to provide shelter from the weather for hotel guests that are dropped off at the lay-by. On December 9, 2003, the Carlyle Design Review Board approved the design of the mixed-use building, which included the canopy as presently proposed.

Figure #1



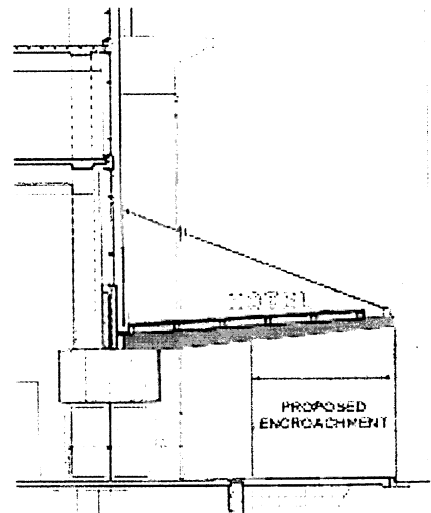
Site Plan

Figure #2



Courthouse Square Elevation, Showing Canopy

Figure #3



Cross-Section of Canopy

II. STAFF ANALYSIS:

Staff supports the proposed encroachment to provide an entrance canopy for the proposed hotel. Canopies of this size and type are typical of luxury hotels, to provide guests with protection from the elements within the vehicle lay-by, and will be an important amenity for future guests. The canopy will be of an appropriate scale to clearly identify the entrance of this urban hotel. The canopy will not interfere with pedestrian or vehicular movement. While the size of the canopy and the amount of the encroachment may not be appropriate in all instances, this proposal is appropriate as the canopy is needed principally because it is the minimum necessary to adequately serve the needs of the hotel.

Figure #4



Entrance Canopy of Plaza Hotel, NYC

As depicted in Figure #4, entrance canopies as proposed are typical of urban hotels and can add architectural interest to the building at the pedestrian level. The design and materials of the proposed canopy comply with Carlyle Design Guidelines, and the canopy has been approved by the Carlyle Design Review Board (DRB). For all of these reasons, staff recommends approval of the canopy as proposed by the applicant.

STAFF: Eileen Fogarty, Director, Department of Planning and Zoning;
Jeff Farner, Development Division Chief
David Sundland, Urban Planner III

III. STAFF RECOMMENDATION:

Staff recommends approval subject to compliance with all applicable codes and ordinances and the following conditions:

1. The applicant (and his or her successors, if any) shall obtain and maintain a policy of general liability insurance in the amount of \$1,000,000, which will indemnify the applicant (and his or her successors, if any) and the City of Alexandria, as an additional named insured, against all claims, demands, suits, etc., and all costs related thereto, including attorney fees, relating to any bodily injury or property damage which may occur as a result of the granting of this encroachment. (P&Z) (T&ES)
2. In the event the City shall, in the future, have need for the area of the proposed encroachment, the applicant shall remove any structure or projection that encroaches into the public right-of-way, within 60 days, upon notification by the City. (P&Z)
3. Neither the City nor any private utility company will be held responsible for damage to the private improvements in the public right-of-way during repair, maintenance or replacement of any utilities that may be located within the area of the proposed encroachment. (T&ES)

Staff Note: For commercial properties, the applicant and/or his successors are responsible for payment of an annual charge for such encroachment pursuant to Section 3-2-85 of the City Code.

CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F - finding

Transportation & Environmental Services:

- R-1 The applicant (and his/her successors, if any) must obtain and maintain a policy of general liability insurance in the amount of \$1,000,000, which will indemnify the applicant (and his/her successors, if any) and the City of Alexandria, as an additional named insured, against all claims, demands, suits, etc., and all costs related thereto, including attorney fees, relating to any bodily injury or property damage which may occur as a result of the granting of this encroachment.
- R-2 Neither the City nor any Private utility company will be held responsible for damage to the private improvements in the public right-of-way during repair, maintenance or replacement of any utilities that may be located within the area of the proposed encroachment.

Code Enforcement:

No comments.

Health Department:

No comments.

Police Department:

No comments.

Historic Alexandria

No comments.

APPLICATION for ENCROACHMENT

ENC # 2004-0005
REVISED

[must use black ink or type]

PROPERTY LOCATION: 2050 Jamieson Avenue & 400 Courthouse Square
Carlyle Block F - Lot 708

TAX MAP REFERENCE: 73.01, Lot 708 ZONE: CDD #1

APPLICANT'S NAME: Regent Partners, LLC
3348 Peachtree Road, N.E., Suite 1000
ADDRESS: Atlanta, GA 30326-1008

PROPERTY OWNER NAME: Carlyle Development Corporation
c/o J. M. Zell Partners, Ltd.
ADDRESS: 1900 K Street, NW, Suite 850
Washington, DC 20006

ENCROACHMENT DESCRIPTION: Hotel canopy over main entrance on Courthouse
Square extends 11'-0" beyond property line.

INSURANCE CARRIER (copy attached) _____ POLICY # _____
A certificate of general liability insurance in the amount of \$1,000,000 which will indemnify the owner and names the city as an additional insured must be attached to this application.

THE UNDERSIGNED hereby applies for an Encroachment Ordinance in accordance with the provisions of Section 8-1-16 and Sections 3-2-82 and 85 of the Code of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301 (B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED also attests that all of the information herein provided and specifically including all surveys, drawings, etc., required of the applicant are true, correct and accurate to the best of their knowledge and belief.

Jonathan P. Rak, Esq., Agent
Print Name of Applicant or Agent
McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
Mailing/Street Address
McLean, VA 22102
City and State Zip Code

Jonathan P. Rak
Signature
703-712-5411 703-712-5231
Telephone # Fax #
April 15, 2004
Date

===== **DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY** =====
Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: _____

ACTION - CITY COUNCIL: _____

APPLICATION for ENCROACHMENT

14

ENC # 2004-0005
REVISED

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Jonathan P. Rak, Esq., Agent
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McGuireWoods LLP
1750 Tysons Boulevard, Suite 1800
Mailing/Street Address
McLean, VA 22102
City and State Zip Code


Signature
703-712-5411 703-712-5231
Telephone # Fax #
April 15, 2004
Date

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Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: 06/01/04 RECOMMENDED APPROVAL UCACTION - CITY COUNCIL: 6/12/04 Approved 6-0

APPLICATION for SUBDIVISION

SUB # 2004-0004
2004-0006

[must use black ink or type]

PROPERTY LOCATION: 2365 Mill RoadTAX MAP REFERENCE: 072.04-02-15 ZONE: CDD-1APPLICANT'S NAME: Carlyle Development Corp.ADDRESS: c/o JM Zell Partners
1900 K Street, N. W., Suite 850
Washington, DC 20006PROPERTY OWNER NAME: Washington Metropolitan Transit AuthorityADDRESS: 600 - 5th Street, N. W.
Washington, D. C. 20006SUBDIVISION DESCRIPTION: Request for approval of previouslyapproved SUB # 99-0012. This subdivision was previouslyapproved but was not recorded and has expired.

THE UNDERSIGNED hereby applies for a Subdivision in accordance with the provisions of Section 11-1700 of the Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301 (B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

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Jonathan P. Rak
Print Name of Applicant or Agent
c/o McGuireWoods LLP
1750 Tysons Blvd., Ste. 1800
Mailing/Street Address
McLean, VA 22102

City and State Zip Code

Jonathan P. Rak/MBS
Signature
703-712-5411 703-712-5231
Telephone # Fax #

March 18, 2004

Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Application Received: _____ Date & Fee Paid: _____ \$ _____

ACTION - PLANNING COMMISSION: 06/01/04 RECOMMENDED APPROVAL UC